

# **EXHIBIT K**



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February 9, 2018

**VIA EMAIL**

Jodyann Galvin  
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140 Pearl Street, Suite 100  
Buffalo, New York 14202  
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**RE: *Carter v. CIOX Health, LLC, No. 6:14-CV-06275 (W.D.N.Y.)***

Dear Jodyann,

This letter responds to your letter dated February 8, 2018 regarding Plaintiffs' subpoena upon Gregory Trerotola. To clarify, Plaintiffs have subpoenaed Mr. Trerotola as a fact witness, not as an expert witness.<sup>1</sup> Defendants produced two Release of Information Cost Studies authored by Mr. Trerotola as a consultant for HealthPort: one from 2013 (HEALTHPORT024524) and one from 2015 (HEALTHPORT024386). Plaintiffs' deposition of Mr. Trerotola will focus on these studies, not any work he may have done as an expert witness for purposes of litigation.

Likewise, Plaintiffs' document request seeks any "documents in [Mr. Trerotola's] possession related to any consulting reports or similar reports [he] prepared relating to CIOX Health, LLC or HealthPort Technologies, LLC *in the ordinary course of business*, or the costs associated with copying medical records or fulfilling requests for information." (emphasis added) It does not seek documents created in his capacity as an expert witness.

We trust that this clarification addresses your concerns. Please advise as to when Mr. Trerotola expects to produce the requested documents.

Sincerely,

**NICHOLS KASTER, PLLP**

Kai Richter

cc: Aaron Saykin (via email)  
Amanda Burns (via email)  
Eric Ward (via email)

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<sup>1</sup> If Defendants later designate Mr. Trerotola as an expert witness in this action, Plaintiffs reserve the right to depose him in that capacity as well.